

FILED
6/13/2022 10:47 AM
ERIN CARTWRIGHT WEINSTEIN
Clerk of the Circuit Court
Lake County, Illinois

IN THE CIRCUIT COURT OF THE SIXTEENTH JUDICIAL CIRCUIT
LAKE COUNTY, ILLINOIS

ALAN NOWAKOWSKI,)
)
Plaintiff,)
v.)
)
MENARD, Inc.)
)
Defendant.)

Case No. 22LA00000241

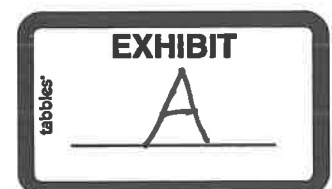
COMPLAINT AT LAW

NOW COMES the Plaintiff, Alan Nowakowski, by and through his attorneys,
HARMAN & FEDICK, LTD., and complaining against the Defendant, Menard, Inc. its
owners, and agents, states as follows:

1. On and prior to June 24, 2020, Defendant, Menard, Inc. was a foreign
corporation, duly licensed to do business in the State of Illinois, maintaining a place of
business in the City of Gurnee, County of Lake, State of Illinois for the purpose of
providing home improvement goods to the general public.
2. On and prior to June 24, 2020, pursuant to said business purpose, the Defendant,
Menard, Inc., owned operated, managed, maintained and controlled by and through its
owners, agents, employees, and servants, a certain store, known as "Menards" located at
6401 Grand Avenue, in the City of Gurnee, County of Lake and State of Illinois, and to
which home improvement store the Defendant invited the general public.
3. That it was the duty of the Defendant, Menard, Inc., d/b/a Menards, to keep and
maintain the store premises in a reasonable, proper and safe condition for its patrons,
customers, and other persons lawfully entering or exiting the premises.

NOTICE

PURSUANT TO LCR - 2-2.10
THIS CASE IS HEREBY SET FOR AN INITIAL CASE MANAGEMENT CONFERENCE
IN COURTROOM _____ ON _____ AT _____ A.M./P.M.
FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR
AN ORDER OF DEFAULT BEING ENTERED.



4. That the Defendant, Menard, Inc. d/b/a/ Menards, by it's agents, servants, and employees, caused to be placed or allowed to be placed, at the entrance to the store a rubber type of mat on the premises in such a manner which caused a danger and hazard to patrons and invitees while the owners, their agents, employees, and servants knew or should have known, or discovered the dangerous condition by the exercise of ordinary care.

5. That on June 24, 2020 the Plaintiff, Alan Nowakowski, was a member of the public and a business invitee of the Defendant, Menard, Inc. d/b/a Menards, who entered upon the business premises of Defendant, located at 6401 Grand Avenue, in said City, County and State, to purchase home repair products, and as such was lawfully and properly on said premises.

6. That while lawfully on the aforesaid premises, Plaintiff, Alan Nowakowski, walked into the main entrance of the Defendants store and was caused to trip and fall on the large mat on the floor.

7. That on and prior to the date aforesaid, it was the duty of the Defendant operating by and through its duly authorized agents, servants, and employees, acting on its behalf, to exercise ordinary care for the safety of patrons, or general invitees of the store, such as Plaintiff while on said business premises.

8. Notwithstanding said duty as heretofore alleged in the preceding paragraph, Defendant, Menard, Inc., d/b/a Menards, then and there carelessly and/or negligently did, or failed to do, one or more of the following acts, which proximately caused injury and damage to the Plaintiff;

a. Carelessly and negligently maintained the premises in an unsafe condition;

- b. Carelessly and negligently allowed the mat at the entrance to become worn and in disrepair when they knew or should have known it would or would create a dangerous condition;
- c. Carelessly and negligently failed to place any warning sign or marking, or otherwise warn patrons or invitees of the dangerous condition of the worn and lumpy mat on the floor;
- d. Carelessly and negligently failed to inspect the mat placed at the entrance insuring that it was smooth and not sticky or lumpy;
- e. Carelessly and negligently failed to keep the floors clean and free of mats or debris creating an unsafe condition for patrons and invitees; and
- f. Was otherwise careless and negligent.

9. That as a direct and proximate result of one or more of the foregoing acts or omissions of the Defendant, by its agents, servants, and/or employees, the Plaintiff, tripped and fell and did sustain severe and permanent injuries. He has and will in the future suffer pain and disability, he has been and will in the future be hindered from attending to his usual affairs and duties and has been and will continue to expend or become liable for large sums of money for his medical care and treatment of his injuries.

WHEREFORE, the Plaintiff, Alan Nowakowski, by and through his attorneys, HARMAN & FEDICK, LTD., demands judgment against the Defendant, Menard, Inc. d/b/a Menards, in an amount in excess of Fifty Thousand Dollars (\$50,000.00) plus the costs of bringing this action.

Respectfully submitted,

/s/ THOMAS J. FEDICK

Attorney for Plaintiff

HARMAN & FEDICK, LTD.
ARDC NO.: 3125050
63 W. Jefferson Street, Suite 202
Joliet, Illinois 60432
Phone: (312)263-6452
Email: Firm@harmlaw.com

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ALAN NOWAKOWSKI,

Plaintiff,

vs.

MENARD, INC.,

Defendant.

Case No. 22LA00000241

AFFIDAVIT PURSUANT TO SUPREME COURT RULE 222 (B)

Pursuant to Supreme Court Rule 222 (B), counsel for the above-named Plaintiff certifies
that Plaintiff seeks money damages in excess of Fifty Thousand and 00/100ths Dollars (\$50,000).

HARMAN & FEDICK LTD.

BY: /s/ THOMAS J. FEDICK

HARMAN & FEDICK, LTD.
ARDC No. 3125050
Attorneys for Plaintiff
63 W. Jefferson Street, Suite 202
Joliet, IL 60432
Ph: (312)263-6452
Firm@harmlaw.com



Notice of Service of Process

Transmittal Number: 25152038
Date Processed: 07/01/2022

null / ALL

Primary Contact: Andrew Akey
Menard, Inc.
5101 Menard Dr
Eau Claire, WI 54703-9604

Electronic copy provided to: Emily Hawke-James
Jim McMenomy
Meghan Olson
Todd Lemanski
Brianna Varanko

Entity: Menard, Inc.
Entity ID Number 0033810

Entity Served: Menard, Inc.

Title of Action: Alan Nowakowski vs. Menard, Inc.

Matter Name/ID: Alan Nowakowski vs. Menard, Inc. (12511604)

Document(s) Type: Summons/Complaint

Nature of Action: Personal Injury

Court/Agency: Lake County Circuit Court, IL

Case/Reference No: 22LA00000241

Jurisdiction Served: Illinois

Date Served on CSC: 07/01/2022

Answer or Appearance Due: 30 Days

Originally Served On: CSC

How Served: Personal Service

Sender Information: Harman & Fedick, Ltd.
312-263-6452

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

| | | | |
|--|--|----------------|------------------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT | | SUMMONS | |
| Lake <input type="checkbox"/> COUNTY | FAILURE TO APPEAR MAY RESULT IN THE CASE BEING DISMISSED OR AN ORDER OF DEFAULT BEING ENTERED | | |
| Instructions ▼ Enter above the county name where the case was filed. | ALAN NOWAKOWSKI Plaintiff / Petitioner (First, middle, last name) | | 22LA00000241 Case Number |
| Enter your name as Plaintiff/Petitioner. | v. | | |
| Enter the names of all people you are suing as Defendants/Respondents | MENARD, INC. Defendant / Respondent (First, middle, last name) | | |
| Enter the Case Number given by the Circuit Clerk. | <input type="checkbox"/> Alias Summons (Check this box if this is not the 1 st Summons issued for this Defendant.) | | |

IMPORTANT INFORMATION:

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/.

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.

Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons*, *Small Claims Summons*, or *Summons Petition for Dissolution of Marriage / Civil Union* available at illinoiscourts.gov/documents-and-forms/approved-forms/. If your case is a detinue or replevin, visit illinoislegalaid.org for help.

Plaintiff/Petitioner:

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In 1a, enter the name and address of a Defendant/Respondent. If you are serving a Registered Agent, include the Registered Agent's name and address here.

In 1b, enter a second address for Defendant/Respondent, if you have one.

In 1c, check how you are sending your documents to Defendant/Respondent.

1. Defendant/Respondent's address and service information:

a. Defendant/Respondent's primary address/information for service:

Name (First, Middle, Last): MENARD, INC.

Registered Agent's name, if any: PRENTICE HALL CORPORATION

Street Address, Unit #: 801 ADLAI STEVENSON DRIVE

City, State, ZIP: SPRINGFIELD, IL 62703

Telephone: _____ Email: _____

b. If you have more than one address where Defendant/Respondent might be found, list that here:

Name (First, Middle, Last): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____ Email: _____

c. Method of service on Defendant/Respondent:

☒ Sheriff

☐ Sheriff outside Illinois: _____

County & State

☐ Special process server

☐ Licensed private detective

Enter the Case Number given by the Circuit Clerk: _____

In 2, enter the amount of money owed to you

In 3, enter your complete address, telephone number, and email address, if you have one.

2. Information about the lawsuit:Amount claimed: \$ 50,000.00**3. Contact information for the Plaintiff/Petitioner:**Name (First, Middle, Last): HARMAN & FEDICK, LTD ARDC NO. 312 5050Street Address, Unit #: 63 W, JEFFERSON STREET, SUITE 202City, State, ZIP: JOLIET, IL 60432Telephone: (312) 263-6542Email: FIRM@HARMLAW.COM**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.**Important information for the person getting this form**You have been sued. Read all of the documents attached to this *Summons*.To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: illinoiscourts.gov/documents-and-forms/approved-forms/.Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.

In 4b, fill out:

- The court date and time the clerk gave you
- The courtroom and address of the court building.
- The call-in or video information for remote appearances (if applicable).
- The clerk's phone number and website. All of this information is available from the Circuit Clerk.

4. Instructions for person receiving this *Summons* (Defendant):

- ☒ a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (not counting the day of service) by e-filing or at:

Address: 18 N. COUNTY STREETCity, State, ZIP: WAUKEGAN, IL 60085

- ☐ b. Attend court:

On: _____ at _____ ☐ a.m. ☐ p.m. in _____
Date Time Courtroom

In-person at:

Courthouse Address _____ City _____ State _____ ZIP _____

OR

Remotely (You may be able to attend this court date by phone or video conference. This is called a "Remote Appearance"):

By telephone:

Call-in number for telephone remote appearance _____

By video conference:

Video conference website _____

Video conference log-in information (meeting ID, password, etc.) _____

Call the Circuit Clerk at: _____ or visit their website

Circuit Clerk's phone number _____

at: _____ to find out more about how to do this.

Website _____

STOP!

The Circuit Clerk will fill in this section.

STOP!

The officer or process server will fill in the Date of Service

Witness this Date: 6/13/2022Clerk of the Court: Eva Cantagut WeinsteinThis *Summons* must be served within 20 days of the witness date. GW

Date of Service: _____

(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

****Stop. Do not complete the form. The sheriff or special process server will fill in the form.****

City, State, ZIP: _____

Enter the Case Number given by the Circuit Clerk: _____

☐ I was not able to serve the **Summons and Complaint/Petition on Defendant/Respondent:**_____
First, Middle, LastI made the following attempts to serve the **Summons** and Complaint/Petition on the Defendant/Respondent:1. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

_____2. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

_____3. On this date: _____ at this time: _____ ☐ a.m. ☐ p.m.

Address: _____

City, State, ZIP: _____

Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the **Proof of Service of Summons** is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

By: _____

FEES

Service and Return: \$ _____
Miles \$ _____
Total \$ 0.00

Signature by: ☐ Sheriff
☐ Sheriff outside Illinois:

County and State

☐ Special process server
☐ Licensed private detective

Print NameIf **Summons** is served by licensed private detective or private detective agency:

License Number: _____

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.